262 Patent CYM-037US 2024738-7030240000



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Group Art Unit: 2621
Roy Ostgaard, et al	Examiner: Not-Yet- Assigned
Serial No.: 10/008,379	RECEIVED
Filed: November 5, 2001	APR 2 9 2003 -
For: CYTOLOGICAL IMAGING SYSTEMS AND METHODS	Technology Center 2600

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

Sir:

In accordance with 37 CFR  $\S$  1.97 and 1.98, and , the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A (08-00) are enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Washington, D.C. 202031

April 2Z, 2003

Maritza D. Kidd

Name of Person transmitting Pape

Signature of Person depositing Paper

## INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

filed ur 1.491;	three monder § 1. or (3) be	OS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) conths of the filing date of the application, which is not a continued prosecution application .53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § efore the mailing of a first Office action on the merits; or (4) before the mailing of a first fter filing a request for continued examination under § 1.114. Thus, no fee is required.
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
on the 1 § 1.311	merits, b	S is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action out before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR
		The fee due under 37 CFR § 1.17(p) is submitted herewith.
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
	or a No	S is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR stice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A r 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted
		STATEMENT UNDER 37 CFR § 1.97(e):
$\boxtimes$	Each ite	em contained in this IDS was first cited in any communication from a foreign patent office
in a cou	ınterpar	t foreign application not more than three months prior to the filing of this IDS.
		a contained in this IDS was cited in a communication from a foreign patent office in a
		eign application, and, to the knowledge of the person signing this statement after making
		tiry, no item of information contained in this IDS was known to any individual designated
n 37 C	FR § 1.5	56(c) more than three months prior to the filing of this IDS.

	A check in the amount of is enclosed for the above fee(s).
	Please charge to Deposit Account No. 50-2518 for the above fee(s).
$\boxtimes$	Although applicant believes no fee is required, the Commissioner is authorized to charge any fees
	required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's
	Deposit Account No. 50-2518.
	Respectfully submitted, BIGHAM McCUTCHEN LLP
Dated:	4/22/03  By: David T. Burse Reg. No. 37,104

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4400

23639
PATENT TRADEMARK OFFICE

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Substitute for form 1449A/PTO

Sheet

(use as many sheets as necessary)

Complete if Known

Application Number 10/008,379

Filing Date November 5, 2001

First Named Inventor Roy Ostgaard, et al

Group Art Unit 2621

Examiner Name Not-Yet-Assigned

Attorney Docket Number CYM-037 (2024738-70300240000)

	U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No.1	U.S. Patent Document	Name of Patentee or Applicant	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Number Kind Code <sup>2</sup> (if known)	of Cited Document			
	-1	1,129,742	Sheaff	02-23-1915		
	2	4,907,158	Kettler et al	03-06-1990		
	3	5,469,210	Noguchi et al	11-21-1995		
4 5,731,896		5,731,896	Baumann et al	03-24-1998		
5 6,049,421		6,049,421	Raz et al	04-11-2000		
				•	RECEIVED	
					APR 2 9 2003	
					Technology Center 26	

	FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	For Office <sup>3</sup>	eign Patent Doc Number <sup>4</sup>	ument Kind Code <sup>5</sup> ( <i>if known</i> )	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
	6	wo	00/58690		Sapporo Breweries	10-05-2000		
	7.	wo	92/04651		Medical Research Council	03-19-1992	·	
	8	DE	197 18 799		Heiland Peter	11-05-1998		
	9	EP	1 085 292		Sapporo Breweries	03-21-2001		
	10	ΕP	0 849 765		Schlumberger Technologies, Inc.	06-24-1998		
			ļ	-				
	ļ			<u> </u>				
					l	l		

Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark hee if English language Translation is attached.

The soul	
O M W	
18.mg	<u> </u>
NR Pleasa	ype a plus sign (+) inside this box +
	ypo a piso sign (1) meioo amo san
MATHEDE	Under the Paperwork Reduction Act of 1995,

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031= U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO Complete if Known Application Number 10/008,379 SUPPLEMENTAL Filing Date November 5, 2001 INFORMATION DISCLOSURE First Named Inventor Roy Ostgaard, et al STATEMENT BY APPLICANT Group Art Unit 2621 (use as many sheets as necessary) **Examiner Name** Not-Yet-Assigned Sheet 2 2 CYM-037 (2024738-70300240000) Attorney Docket Number

•	OTHER DOCUMENTS NON PATENT LITERATURE			
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²	
	11	PATENT ABSTRACT OF JAPAN, Vol. 1996, No. 6, June 28, 1996 & JP 08 029693 (Nikon Corp.) Feb 2, 1996		
	12	PATENT ABSTRACT OF JAPAN, Vol. 1997, No. 7, 31 July 31, 1997 & JP 09 073033 (Olympus Optical CO Ltd)  March 18, 1997		
	13	PATENT ABSTRACT OF JAPAN, Vol. 1995, No. 2, March 31, 1995 & JP 06 324269 (Canon Inc.) Nov 25, 1994		
	14	PATENT ABSTRACT OF JAPAN, Vol. 1996, No. 4, April 30, 1996 & JP 07 333517 (Sumitomo Electric Ind Ltd) Dec 22, 1995		
		·		
		·		
,		-a-IVED		
-		RECEIVE		
		2003		
		APR & S	າຣດດ	
		RECEIVED  APR 2 9 2003  Technology Center 2	2000	
			•	

$\overline{}$		
Examiner	Date	
Signature	Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.